

REMARKS

This Amendment is in response to the Office Action dated May 16, 2003. Claims 1-25 are pending in this application. By this Amendment, Applicants have amended claim 1 to incorporate the subject matter of originally filed claim 3. Claim 3 has been canceled without prejudice. Claim 10 has been amended to indicate that the filtering assembly is rotatably attached to the elongated member. Claim 21 has been likewise amended. Claim 9 has been canceled without prejudice and has been amended and rewritten in independent form as claim 26. Likewise, original claim 17 has been canceled without prejudice and is being submitted as new independent claim 27. Original claim 20 has been canceled without prejudice and is being presented as new independent claim 28. Reexamination and reconsideration of all of the pending claims are respectfully requested.

The Examiner has rejected claim 1-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,537,294 to Boyle et al., (the "Boyle patent"). Applicants, however, disagree with the Examiner's characterization of various components shown in the Boyle patent. Specifically, the Examiner has apparently disregarded the claim language of claim 1 which specifies that the proximal strut assembly is adapted to extend substantially along the wall of the body of vessel when placed in the expanded position. While the Examiner notes that the Boyle patent does include a proximal strut assembly (34), there is no acknowledgement by the Examiner that the Boyle patent shows a proximal strut assembly which is offset from the distal strut assembly, as is the subject of the pending application. Applicants note that the particular proximal strut assembly (34) disclosed in the Boyle patent is centered with respect to the strut assembly and will be centered within the body lumen once deployed. As a result, the proximal strut assembly disclosed in the Boyle patent does not extend substantially along the wall of the

body when placed in the expanded position, but rather, expands into the center of the body lumen as is depicted in FIG. 6 of the Boyle patent. Accordingly, Applicants believe that this particular feature of the currently pending claims is not shown in the Boyle patent and that all of the pending claims are patentably distinct from the Boyle patent. Accordingly, Applicants respectfully request the Examiner to withdraw the Boyle patent as an anticipatory reference.

The Examiner also has rejected claims 1- 3, 5-8, 10-16 and 21-25 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6402,771 to Palmer et al., (the "Palmer patent"). Again, Applicants strongly disagree with the Examiner's characterization of the components shown in the Palmer patent. Applicants note that the Examiner has noted in the Office Action that the proximal strut assembly (60) shown in the Palmer patent is adapted to be rotatably attached to an elongated member or guidewire (30). However, a review of the Palmer patent shows that the snare device (20), as shown in FIGS. 13 and 14 of the Palmer patent, is fixedly attached to the elongated member or guidewire (30). Specific reference is made to column 11, lines 27-42, which describes the proximal tab (174) of the snare device (20) as being soldered to the elongated member (30). As such, Applicants believe that the Palmer patent fails to show the proximal strut assembly being rotatably attached to an elongated member such as a guide wire. Accordingly, Applicants respectfully request the Examiner to withdraw the Palmer patent as an anticipatory reference to these particular claims.

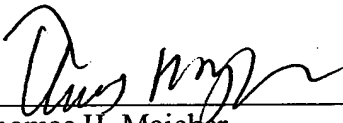
The new claims being presented by this amendment also include components which are not found in either the Boyle patent or the Palmer patent. As such, Applicants believe that claims 26-28 recite a distinct combination of elements and are patentable over the art of record.

In view of the foregoing, it is respectfully urged that all of the present claims of the application are patentable and in a condition for allowance. The undersigned attorney can be reached at 310-824-5555 to facilitate prosecution of this application, if necessary.

In light of the above amendments and remarks, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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